



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,645	05/04/2001	Uwe Allendorf	5029-45	1555

7590 10/28/2002

COHEN, PONTANI, LIEBERMAN & PAVANE
551 Fifth Avenue, Suite 1210
New York, NY 10176

EXAMINER

MULLINS, BURTON S

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,645

Applicant(s)

ALLENDORF ET AL.

Examiner

Burton S. Mullins

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4 and 5 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moy (US 4,819,130) in view of Gaebel et al. (US 4,795,951). Moy teaches an electric motor and a device for connecting the electric motor comprising: two electrical conductors 20 and 28 leading to the motor 36 (Fig.6); an r.f. suppressor device including capacitor 26 arranged between the two conductors; a casing 32 made of synthetic polymer resin (c.6, lines 1-4), a material which is inherently resistant to fuel; inductors 22 and 24 connected to the electrical conductors; wherein the casing 32 integrally encapsulates the suppressor and inductors and is integrally connected to regions of the electric motor 36 since the device includes a socket end 34 adapted to mount upon the terminals of the motor (c.3, lines 9-14), or any similar mode of attachment to the motor (c.6, lines 4-7).

Moy differs in that the capacitor is not arranged in parallel with a varistor.

Gaebel teaches a suppressor device for an electric motor arranged between conductor terminals 11 and 12 including a capacitator C1/C2 and a varistor V1 connected in parallel therewith. The varistor is desirable since it provides "interference suppression means so that voltage peaks occurring when the commutator motor is switched do not get into the onboard network to disturb the proper operation of other electronic circuitry" (c.1, lines 45-49; c.2, lines 3-29).

It would have been obvious to one having ordinary skill in the art to modify Moy's suppressor and provide a varistor, in parallel with the capacitor, per Gaebel since a varistor would have been desirable to provide interference suppression.

Response to Arguments

3. Applicant's arguments filed September 16, 2002 have been fully considered but they are not wholly persuasive. Regarding claim 6, applicant provides no specific response to the rejection set forth in the previous action, but instead refers to the rejection of claim 1. However, claim 1 includes several features such as the recitation of brushes and contacts for receiving a power supply, together with their structural relation to the suppressor, which distinguish it from claim 6.

With regard to claim 6, in response to applicant's argument that because Moy's device is located outside the motor casing, it would not have been obvious to use Gaebel's device, which is inside the motor housing, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Allowable Subject Matter

4. Claims 1-2 and 4-5 are allowed. Moy does not teach that the parallel conductors 20 and 28 "have" brushes, i.e., that the brushes are both mechanically and electrically connected to the conductors in a single package, as seen in applicant's Figs.2-3, where brushes 6 and 7 are connected to the casing 19 and thus to contacts 9 and 10. Moy's suppressor is located outside the motor and thus the brushes would not be integrated with the suppressor device itself. While Gaebel teaches brushes, these are located inside the motor housing 4 and are not necessarily part of the suppressor device itself.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 305-7063. The

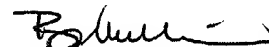
Application/Control Number: 09/849,645

Page 5

Art Unit: 2834

examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 305-1341 for regular communications and 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
October 25, 2002